

**REMARKS**

In the Office Action of August 24, 2005, the Examiner issued a restriction requirement for this application. As the Examiner noted, Applicant has elected to prosecute the invention of group 1 corresponding to claims 1-10. Applicant hereby affirms this election and cancels claims 11-37 without prejudice.

In the same Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. 101 because the claims are not “within the technological arts.” Claims 1-3, 5, and 7-10 stand rejected under 35 U.S.C. 102(b) as anticipated by Kurland, **Risk Mitigation in the Atomic Age**. Claim 6 is rejected as unpatentable over Kurland in view of Cepkauskas (US 5,297,182). Claim 4 stands rejected under 35 U.S.C. 112, second paragraph, because of an issue with the antecedent basis for “the decommission.” However, the Examiner has stated that claim 4 would be allowable if rewritten in independent form.

The rejection under 35 USC 101 is no longer relevant in view of the recent Board decision in Ex Parte Lundgren which held that “there is currently no judicially recognized separate ‘technological arts’ test to determine patent eligible subject matter under § 101.” Additionally, dependent claim 38 has been added which requires that “at least one of steps (a)-(f) is performed with a computer”.

In response to the rejections under section 102(b) and 112, second paragraph, claim 1 is hereby amended to include the limitations of allowable dependent claim 4 and a correction to the antecedent basis problem in claim 4 that was noted by the Examiner.

Accordingly, it is respectfully submitted that independent claim 1 as amended and claims dependent thereon are allowable. Favorable reconsideration of the claims, as amended herein, is respectfully requested.

Serial No. 10/689,787

In view of the foregoing amendments and remarks, the application is now believed to be in proper format for allowance of all claims and a notice to that effect is earnestly solicited.

If there are any issues that remain, the undersigned requests that the Examiner contact him to discuss these issues so that applicant may put the present application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tzvi Hirshaut", written over a horizontal line.

Date: November 17, 2005

Tzvi Hirshaut  
Reg. No. 38,732  
PROSKAUER ROSE LLP  
Attorney for Applicant  
1585 Broadway  
New York, NY 10036-8299  
Telephone: (212) 969-3000